Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Services Inside Wiring	)	CS Docket No. 95-184
	)	
Customer Premises Equipment	)	
	)	
Implementation of the Cable Television Consumer Protection and Competition Act of 1992:	)	MM Docket No. 92-260
	)	
Cable Home Wiring	)	

To: The Commission

COMMENTS OF GUAM CABLE TV

Guam Cable TV hereby submits the following consolidated comments in response to the Federal Communications Commission's ("Commission") Notice of Proposed Rulemaking (jointly referred to as "NPRMs") in CS Docket No. 95-184 and MM Docket No. 92-260.

Guam Cable TV began serving customers in October, 1970, when it brought color television to Guam by taping network stations and flying them to Guam. Currently it serves some 33,000 customers with 61 channels of taped television and Cable TV programs flown in daily from Los Angeles and Honolulu, three local television stations, one LPTV, eight channels live from the international satellites, two local origination channels, the local NOAA radar weather channel, and the Japanese "Hemiwari" (Sunflower) satellite weather channel. Its Cable News began in 1975, and has won several ACE awards, the Western Regional RTNDA award, and the George F. Polk award. Guam Cable TV currently is testing 4 MHz modems for its customers' Internet use.

Both of the above-referenced dockets focus on the same fundamental question, "Who will control the cable into the home?"

But the question the Commission should be focusing on is not, "who will control the cable," but, "how will building owners accommodate all of the cables into the home that are needed for the information superhighway to become a reality?"

Saipan, Commonwealth of the Northern Mariana Islands ("CNMI"), has had two cable TV systems competing in an overbuild situation since April 15, 1992. Some estimated 800 residential viewers subscribe to both services. Two cables go into their homes, and most subscribers use an A-B switch to alternate between the two systems. Each system has different local origination, news, and foreign language programming. Most of the broadcast programming carried by Saipan Cable TV is from Los Angeles television stations; while most of the broadcast programming carried by Marianas Cablevision is from Honolulu television stations.

The question for the 1970s was, "Who shall control the cable into the home?" The question for the next millennium is, "How can every multiple unit dwelling ("MUD") accommodate all of the cables necessary to give each unit's resident true freedom of choice?"

On Guam, we have identified the following present and future telecommunications providers who will need cables inside MUDs:

PRESENT:

1. Guam Cable TV
2. Marianas CableVision
3. Guam Telephone Authority Twisted Pair Lines

4. Guam Telephone Authority Fiber/Coax as authorized by 1996 Telecom Bill

5. MCI, Sprint, and AT&T by 1986 Telecom Bill

FUTURE USERS:

1. MMDS Winner of Auction

2. LMDS Winner of Auction

3. Teledisic

4. Guam Telephone Authority Cellular (for interior mini-cells)

5. Guam Cellular (for interior mini-cells)

6. PCS-A American Portable (TDS) "

7. PCS-B Poka Lambro Telephone Co-Op, or its successor "

8. PCS-C Winner of the auction in progress "

In 1972, the U.S. Navy awarded Guam Cable TV an exclusive contract to use its poles, which was in essence a franchise. Guam Cable TV objected to having the contract "exclusive" and unilaterally rejected it. Later the cable industry fought against exclusive pole/conduit contracts in Preferred Communications, Inc. v. City of Los Angeles, 13 F.3d 1327 (CA9 1994). Finally, the 1984 Cable Act outlawed exclusive contracts. Now it appears from the instant proceedings that New York apartment owners and NYNEX want to bring back exclusive contracts, using the Commission's power to erect barriers to competitors, and swap one provider for another at the expense of the first. They are advocating a kind of telecommunications bingo where the winner takes all.

The whole tenor of the proceedings to date deems to be aimed at solving problems for New York City. For example, buildings

generally do not have basements south of the frost line. People under fifty in Los Angeles, Houston, and Miami probably have never seen basements in homes, and expect to find parking floors at the base of an office building. The Commission needs to examine the needs of the rest of the country, not just the faded power elite in the Northeast. There are different and equally critical telecommunications needs south of the Mason Dixon line and west of the Alleghenies.

The concept of one wire into the home was tried by AT&T before the break-up, and failed.

Now there is a game afoot advocating once more that there be just one wire into the home as we move into the 21st Century. It was stopped in the '70s, and should be stopped again now.

Here on Guam, we have notified MUD owners and managers that if they want to be competitive they will need to have a multitude of cables into the home to meet tenants' or condo owners' telecommunications expectations, just as they must meet expectations for running water and electricity or residents will move out or sell. For example, all the above fifteen providers will need access to place their own cables into the home if Vice President Albert Gore's goal of true competition is to be realized. This goal can be achieved technologically, so long as regulatory constraints do not derail it.

Today, by using RG-59 and miniature co-axial cable, and by the building owner insisting each user leave in a pull cord for the next provider to use, half-inch conduits can accommodate three or four cables with minimal inconvenience to the occupants who want

more than one service. In the near future, one might expect that a 24-fiber cable run through old half-inch conduits could serve MUD residents in old buildings with a vast choice of services, and the interior wiring would be a highway instead of a roadblock to competition.

Our experience in this area is instructive. Guam Cable TV has shared interior half-inch conduits with Guam Telephone Authority's twisted pairs for over 20 years. Since 1972, we have furnished the Government of Guam Building Permit Office with design plans for various size buildings, to distribute to builders, recommending 3/4" be the minimum size interior conduit, with larger sizes for larger buildings. Almost all contractors follow our guidelines and so six or seven cables can be pulled into existing buildings. In older buildings with blocked conduits, we have had contractors install exterior wire mold on the outside. Their work is not noticeable and does not mar the appearance of the buildings. We point out the above experience as evidence that it is not necessary to restrict the public's choice to only one cable to each unit.

The nation's telecommunications policy should be directed to ensuring a multiple choice future, to running co-axial cables or fibers for all users, not to trying to build the Information Superhighway using ox-cart tracks.

The country's future framework should not allow the landlord to be any citizen's telecommunications decision maker. When a tenant rents an apartment, he or she is not renting a guardian: the landlord does not become a parent, controlling what a tenant can or cannot see, hear, or use. Rather than worrying about

harmonizing telephone and video or data cables, the FCC should focus on implementing regulations that forbid any form of financial or other rebates to landlords for providing access to telecommunications service providers, since they come at the tenant's expense. The Commission should issue rules which mirror the Illinois access statutes which were designed to pass Constitutional scrutiny.

Respectfully submitted,

By: Lee M. Holmes

Lee M. Holmes, President
Guam Cable TV
530 W. O'Brien Drive
Agana, Guam 96910-4996
(808) 545-1854

March 18, 1996

GUAMCABLE.COM